



CITY OF PROVIDENCE
MAYOR BRETT P. SMILEY

City Plan Commission

Minutes of the October 15, 2024 meeting

A meeting of the City Plan Commission (CPC) was held on Tuesday, October 15, 2024 at 4:45 pm in the Joseph Doorley Municipal Building, 444 Westminster Street, 1st floor Meeting Room, Providence RI 02903

A video recording of the meeting is available at:

<https://www.youtube.com/@pvdcpc>

Opening Session

Call to order: Chair Michael Gazdacko called the meeting to order at 4:55 pm

Members Present: Michael Gazdacko, Charlotte Lipschitz, Will Sherry, Noel Sanchez

Members Absent: David Caldwell, Miguel Quezada

Staff Present: Robert Azar, Deputy Director, Choyon Manjrekar, Principal Planner, Megan DiSanto, Senior Assistant City Solicitor

Approval of minutes from the September 17, 2024 meeting: On a motion by Commissioner Lipschitz, seconded by Commissioner Sanchez, the CPC voted to approve the minutes. All voted in favor.

Directors Report: Mr. Azar said a listening session for the Comprehensive Plan would be held before the Council on October 16. A number of amendments were introduced, some of which were voted on and discussions on others were ongoing.

REQUEST FOR EXTENSION

1. Case no. 23-050UDR – 45 Parade Street

Applicant: Stepping Stone Partners LLC and 45 Parade LLC

The applicant is requesting a one-year extension of the preliminary plan approval of the subject land development project – for vote (AP 35 Lot 596, West End)

Mr. Manjrekar introduced the item. Mr. Seth Zeren requested an extension on behalf of the applicant.

On a motion by Commissioner Sanchez, seconded by Commissioner Sherry, the CPC voted to grant a one year extension for the validity of the preliminary plan.

The CPC voted as follows:

AYE N. Sanchez, C. Lipschitz, W. Sherry, M. Gazdacko

CITY COUNCIL REFERRAL

2. Referral No. 3588 – Abandonment of a portion of Ernest Street

Petitioner: Narragansett Bay Commission

The petitioner is requesting an abandonment of a portion of Ernest Street – for vote
(Washington Park)

Mr. Manjrekar introduced the item. Attorneys Anthony Bucci and Jennifer Harrington presented the item on behalf of the applicant. Mr. Bucci presented the plan and said that the proposed abandonment area only serves the Narragansett Bay Commission (NBC) property, no access to neighboring properties would be denied and access easements to utility companies would be granted. Mr. Gazdacko asked if there were any development plans for the adjacent parcels. Mr. Bucci said NBC planned to construct a maintenance building on the former Lamar scaffolding site. A discussion on the plans ensued.

Mr. Manjrekar read out the DPD’s staff report which recommended that the CPC make a positive recommendation to the City Council finding that the petition met the criteria of the CPC’s abandonment criteria.

Ms. Linda Perri said the abandonment would result in commercial traffic passing through New York Ave. Mr. Azar said the abandonment would only affect a spur of New York Ave in the port area. Mr. Sherry asked if there was a purchase price for the area. Mr. Azar said it would be a real estate transaction with the City Assessor setting the price. A discussion on the abandonment and future development ensued.

On a motion by Commissioner Lipschitz, seconded by Commissioner Sherry, the CPC voted to make a positive recommendation to the City Council based on their discussion and findings.

- i. The petitioner shall apply for an administrative subdivision to merge the abandoned portion of the street with their property, prior to the Council’s action.
- ii. The petitioners shall grant any necessary easements for access to property, utility access and maintenance.

The CPC voted as follows:

Aye: C. Lipschitz, W. Sherry, N. Sanchez, M. Gazdacko

MAJOR LAND DEVELOPMENT PROJECT – UNIFIED DEVELOPMENT REVIEW

PUBLIC HEARING

3. Case no. 24-050MA – 400 Elmwood Ave

Applicant: Ayoub Realty LLC

The applicant is proposing to construct an approximately 55’ tall, five story mixed use building with a vehicle repair station and restaurant on the ground floor, and 24 units on the four upper stories, in the C-2 zone. The applicant is seeking a dimensional adjustment for height as the building exceeds the 50’ four story height limit of the zone and an adjustment for parking where 36 spaces are required but 30 will be provided. Pursuant to unified development review (UDR), the applicant is requesting a variance from the side yard setback requirement and a special use permit for the vehicle repair business. The applicant is requesting to combine master and preliminary plan approval and also requesting a waiver from submission of state approvals at the preliminary plan stage – for vote (AP 49 Lot 568, Elmwood) – continued from the September 17, 2024 CPC meeting – **a transcript of the item is available on request and has been made part of the record**

Mr. Manjrekar introduced the item. Attorney John Garrahy, Architect Jeffrey Lykins and Applicant Michael Ayoub presented the item on the applicant’s behalf. Mr. Garrahy said the item was continued to

allow for community outreach with Councilman Pichardo hosting a community meeting. A discussion on the item ensued with the CPC hearing from the applicant, their experts and taking public comment. Mr. Manjrekar read out the DPD's staff report.

The applicant withdrew the request for a special use permit for a vehicle repair facility at the meeting, and requested that a permitted commercial use be allowed in the space proposed for the vehicle repair area. The CPC did not object to the applicant changing the plan as the final design would be subject to the DPD's review at the final plan stage.

Action – Waiver from submission of state approvals

On a motion by Commissioner Sanchez seconded by Commissioner Sherry, the CPC voted to grant the waiver from submission of state approvals at the preliminary plan stage subject to the following condition:

The applicant shall submit the waived items at the final plan stage and shall return to the CPC if the approvals results in a change to the plan.

The CPC voted as follows:

Aye: N. Sanchez, W. Sherry, C. Lipschitz, M. Gazdacko

Action—Dimensional Variance

On a motion by Commissioner Sanchez seconded by Commissioner Sherry the CPC voted to grant the requested relief from the side yard setback requirement based on their findings.

The CPC voted as follows:

Aye: N. Sanchez, W. Sherry, C. Lipschitz, M. Gazdacko

Action – Combination of Stages

On a motion by Commissioner Sherry seconded by Commissioner Sanchez the CPC voted to combine master and preliminary plan approval having granted the waiver from submission of state approvals, finding that the applicant met the submission requirements for both stages.

The CPC voted as follows:

Aye: W. Sherry, N. Sanchez, C. Lipschitz, M. Gazdacko

Action—Dimensional Adjustments

On a motion by Commissioner Sanchez seconded by Commissioner Sherry the CPC voted to grant the dimensional adjustment for height. The CPC voted on the adjustment for six parking spaces but it was not applicable as the applicant met the parking requirement with withdrawal of the Special Use Permit for the Vehicle Repair/Service use.

The CPC voted as follows:

Aye: N. Sanchez, W. Sherry, C. Lipschitz, M. Gazdacko

Action – Combination of Stages

On a motion by Commissioner Sherry seconded by Commissioner Sanchez the CPC voted to combine master and preliminary plan approval having granted the waiver from submission of state approvals, finding that the applicant met the submission requirements for both stages.

The CPC voted as follows:

Aye: W. Sherry, N. Sanchez, C. Lipschitz, M. Gazdacko

Action—Master and Preliminary Plan

Upon a motion by Commissioner Sanchez seconded by Commissioner Sherry, the CPC voted to grant master and preliminary plan approval finding that the project was in conformance with the zoning ordinance and comprehensive plan and subject to the following conditions:

1. The landscaping plan shall be subject to the City Forester's approval.
2. The stormwater calculations and erosion control measures shall be subject to the City Engineers approval.
3. Final plan approval was delegated to DPD staff.

The CPC voted as follows:

Aye: N. Sanchez, W. Sherry, C. Lipschitz, M. Gazdacko

MINOR SUBDIVISION – UNIFIED DEVELOPMENT REVIEW

PUBLIC HEARING

4. Case no. 24-040MI – 33 Murray Street

Applicant: KCLS Group LLC

The applicant is proposing to subdivide the 7,000 SF lot in the R-3 zone into two lots of 3,500 SF, with widths of 40'. The applicant is seeking relief from the minimum lot size requirement of 5,000 SF and lot widths of 50' for new subdivisions. Relief from the front yard impervious coverage requirement is also required where 33% is permitted but 39% is proposed on lot 1 and 82% is proposed on lot 2 – for vote (AP 110 Lot 187, Silver Lake) – **a transcript of the item is available on request and has been made part of the record**

Mr. Manjrekar introduced the item. Attorney Dylan Conley and Zoning Consultant Peter Friedrichs presented the item on behalf of the applicant. A discussion on the item ensued with the CPC hearing from the applicant, their experts and taking public comment. Mr. Manjrekar read out the DPD's staff report which recommended that the relief and subdivision be denied.

On a motion by Commissioner Lipschitz, seconded by Commissioner Sherry, the CPC voted to deny the dimensional relief from the minimum area, lot width and front yard impervious coverage requirements based on their findings.

The CPC voted as follows:

AYE: C. Lipschitz, W. Sherry, N. Sanchez, M. Gazdacko

On a motion by Commissioner Sanchez seconded by Commissioner Sherry, the CPC voted to deny the preliminary plan finding that it would not conform to zoning due to the relief being denied.

The CPC voted as follows:

Aye: N. Sanchez, W. Sherry, C. Lipschitz, M. Gazdacko

MINOR LAND DEVELOPMENT PROJECT

5. Case no. 24-041MI – 27 E River Street

Applicant: 27 E River LLC

The applicant is proposing to construct a residential building with 326 units and 163 internal parking spaces. A dimensional adjustment for height is requested where a height of 75' is permitted but 90' is proposed. A 50% adjustment for parking is also requested. In addition, the applicant is requesting waivers from submission of certain items at the preliminary plan stage including an erosion control plan, utility plan, transparency calculations, and a signage and lighting plan – for vote (AP 15 Lot 483, Wayland)

Mr. Manjrekar introduced the item and said the applicant was requesting dimensional adjustments and would submit a complete preliminary plan that accounted for the adjustments at a future hearing. Attorney Dylan Conley, Zoning Consultant Peter Friedrichs, Architect Kevin Diamond and Applicant Dustin Dezube presented the item. Mr. Diamond presented the development plan and spoke about the layout of the site and the building's design. Mr. Friedrichs presented a report on the dimensional adjustment requests and said that the applicant conformed to the criteria for granting adjustments as space was being set aside space for public access. He said the site's topography and proximity to the water body prevented additional space for parking and required an increased height due to the limits of building width imposed by the lot's layout. Structured parking was proposed, which is an amenity that makes a development eligible for dimensional adjustment. A discussion on the criteria for granting dimensional adjustments ensued.

Mr. Azar said the proposed massing was similar to the Emblem 125 development on the I-195 land. Mr. Sherry asked if there would be any commercial space. Mr. Conley said no commercial was proposed. Mr. Gazdacko said he was unsure of making a decision on adjustments prior to a fully developed plan. Mr. Conley said that 326 units were proposed. A traffic and parking expert would be consulted to determine the appropriate way to provide parking. Mr. Dezube said options like provision of compact or undersized spaces could be considered to bring parking closer to a 1:1 ratio. An adjustment for parking would provide flexibility to explore different options. A discussion on parking ensued. Mr. Manjrekar read out the DPD's staff report which spoke about the status of building plans and the applicant's eligibility for the dimensional adjustments. He said the CPC could grant the requested adjustments and consider the preliminary plan at a future meeting. Mr. Gazdacko asked about contamination on site and prior uses. Mr. Dezube said the previous uses were a gas station and manufacturing.

Mr. Manjrekar read out a list of senders of written comment. Miguel Youngs, Deputy Director of policy for the City Council said Councilwoman Helen Anthony had sent in a letter and in addition to parking, was concerned that there was no community engagement and requested that the plan not be heard until community outreach had taken place. Ms. Sharon Steele said she was concerned about the lack of community outreach and reduced parking and opposed to granting the dimensional adjustments. Jennifer Laurelei said the item should be continued to allow for more community input. Matt Schaeling said he was in support of the development and that the site was a suitable location for a multifamily building.

Johan Tejada said he was opposed to the project, not in favor of granting adjustments for height and parking and concerned about increased traffic. He emphasized his opposition by repeating the phrase, 'I don't think so honey,' after each objection. Cameron Lafreniere said he supported more development of housing and more bicycle parking should be provided. Sarah Gleason said she was concerned about increased traffic and the height of the building. Nina Tanenwald said she was opposed to granting dimensional adjustments, that the building should better connect to the surrounding environment and that the item be continued. Alana Deluty said the development was connected to Wayland Square by transit and biking and more bike parking should be provided. Ceasar Orduna said he supported the

project and that more bike parking should be provided. Daniel Morris said he supported the project and the building of more housing to reduce rent. Ms. Laurelei asked how much rent would be charged per apartment. Mr. Conley said building height was being measured from average grade and increased height was being requested due to sea level rise from climate change. Mr. Dezube said the rent would be determined based on size of the units and the sale price of some condominium units.

Mr. Gazdacko asked the applicant about public outreach. Mr. Dezube said he had spoke to councilman Goncalves, neighbors and Ms. Tanenwald. Mr. Conley said he believed there was no need to conduct outreach to neighborhood organizations in other parts of the City. The development was separated from a conservancy area by 6 lanes of traffic. A discussion on the project and public comment ensued. Mr. Gazdacko said he was in favor of granting the adjustments with conditions and having the applicant return with a revised plan. A discussion on the development and distribution of parking spaces ensued.

Ms. Lipschitz said more information on the project like budget and building materials was required before granting adjustments. Mr. Azar said granting adjustments prior to a complete preliminary submission was comparable to voting on adjustments at the master plan stage. Ms. Lipschitz said she was uncomfortable taking action without seeing a traffic study and more developed plans. Mr. Gazdacko said the adjustments could be voted on subject to fulfillment of certain conditions.

On a motion by Commissioner Sanchez seconded by Commissioner Sherry the CPC voted to grant the dimensional adjustments for height and parking based on their noted findings and subject to the following conditions:

1. The adjustments shall not become effective until a preliminary plan which considers the traffic study and the CRMC's findings is submitted.
2. The applicant shall conduct and document community outreach.
3. The applicant shall explore ways to provide one to one parking by exploring options like leasing offsite lots or other methods to cover the shortfall.

The CPC voted as follows:

Aye: N. Sanchez, W. Sherry, M. Gazdacko

Nay: C. Lipschitz

On a motion by Commissioner Sanchez seconded by Commissioner Sherry the CPC voted to continue consideration of the preliminary plan at the applicant's request, until the conditions for the dimensional adjustments are realized.

The CPC voted as follows:

Aye: N. Sanchez, W. Sherry, C. Lipschitz, M. Gazdacko

Adjournment

Upon a motion by Commissioner Lipschitz, seconded by Commissioner Caldwell, the CPC voted to adjourn the meeting at 9:24 pm. All voted in favor.

Respectfully Submitted,

Noel Sanchez

Secretary, City Plan Commission

Prepared by Choyon Manjrekar, Recording Secretary